

# TRO Exhibit 2

**DECLARATION OF WILLIAM G. CRONBERGER**  
**PULSE 360 CUSTODIAN OF RECORDS**  
**Pursuant to 28 U.S.C. § 1746**

I, William G. Cronberger, hereby declare as follows:

1. My name is William G. Cronberger. I am the Senior Vice President and the Information Security Officer at Pulse 360, Inc. ("Pulse 360"). In that capacity, I am a Custodian of Records of Pulse 360. If called as a witness, I would testify to the following facts of which I have personal knowledge.
  2. Pulse 360 provides online advertising services for online advertisers and publishers. Among other things, Pulse 360 assists advertisers to place advertisements on a network of high quality content with desirable demographics. Advertisers that submit advertisements to Pulse 360 can pick the particular topics and categories of third party websites on the Pulse 360 network on which their ads are placed. The advertisements, which generally display images and/or text, are intended to attract traffic to the advertiser's website by linking to that website when consumers click on the ad. Pulse 360 typically charges its advertising customers on a "cost-per-click" (CPC) basis, meaning that the advertising customer pays for the ad only if, in response to the ad, a consumer clicks on the link, and is taken to the advertiser's website. There are other pricing models as well. The appearance of an advertiser's ad or link on a website is called an "impression." The advertiser selects the text and images used in the ads that appear with each impression.
  3. Pulse 360 maintains account information concerning entities that purchase ad placement services with it. That information is automatically recorded at or near the times that the ads are placed and the information is maintained by Pulse 360 in the regular course of business.

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Pursuant to Civil Investigative Demands (“CIDs”), Pulse 360 produced various spreadsheets containing records of the account information to the Federal Trade Commission (“FTC”).

4. One type of spreadsheet produced to the FTC contained details about advertising that Pulse 360 ran on behalf of advertising customer **Tanner Vaughn**, including the following categories of information:
  - a. **Group ID** - denoting the account number for an account representing a group of accounts;
  - b. **Account ID** - denoting an individual account that may or may not be a member of a Group ID account;
  - c. **Listing ID** - denoting the unique identifier for an advertisement;
  - d. **Creative ID** - denoting the unique identifier for the ad copy for an advertisement;
  - e. **Topic ID** - denoting the ID number assigned to a particular topic;
  - f. **Topic** - the category of traffic that the advertiser purchased for the ad;
  - g. **Title** - denoting the title of the advertisement that consumers viewed on the website;
  - h. **Description** (copy of ad) - denoting the customer-prepared advertisement language that consumers saw on the website;
  - i. **Click URL** (copy of ad) - denoting the customer-determined website address where consumers who clicked on the placed advertisement were directed;
  - j. **Created At** - denoting the date that the advertisement was first created;
  - k. **Updated At** - denoting the date that the advertisement was last changed or updated;
  - l. **Deleted At** - denoting the date that the advertisement was deleted;

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- m. **Impressions** - denoting the number of times that the advertisement was posted on the website(s) and potentially viewed by consumers on the Pulse advertising network, as determined by Pulse 360's tracking mechanisms;
- n. **Clicks** - denoting the number of times consumers clicked on the advertising customer's advertisement and were directed to the Click URL (described above), as determined by Pulse 360's tracking mechanisms; and
- o. **Revenue** - denoting the amount that the advertising customer was charged by Pulse 360, on a cost-per-click basis, to have the ad placed on the noted website.

5. The second type of spreadsheet that Pulse 360 produced to the FTC included details about **Tanner Vaughn's** purchases or payments to Pulse 360 for ad placement. This spreadsheet was compiled from information that was automatically recorded at or near the time the funds were placed in **Tanner Vaughn's** account from data maintained by Pulse 360 in the regular course of business, including the following categories of information:

- a. **Account Number** - denoting the account numbers assigned by Pulse 360 for the advertising customer;
- b. **Amount** - denoting the amount that the advertising customer paid into his Pulse 360 account for ad placement;
- c. **Date or Time** -denoting the date and time of the advertising customer's payments into his account;
- d. **Transaction ID** - denoting the transaction identification number assigned by Pulse 360 for the specific payment transaction; and

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e. **Name on Card** - denoting the name on the credit card used to pay make the payments

6. I certify that all of the data that Pulse 360 provided in the above-referenced advertising and payments spreadsheets were automatically recorded, at or near the time the advertiser's ads were placed, from information transmitted by a person with knowledge; that such data were kept in the course of Pulse 360's regularly conducted business activity; and that it was Pulse 360's regular practice to record and maintain this data.

I declare under penalty of perjury that the foregoing is true and correct

Executed on March 29, 2011



William G. Cronberger, Senior Vice President  
Pulse 360, Inc

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